

Docket No.: 4456-0108PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Mariko ESUMI et al.

Application No.: 10/568,533

Confirmation No.: 5038

Filed: February 17, 2006

Art Unit: N/A

For: HEPATOCELLULAR CARCINOMA-  
ASSOCIATED GENE

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Examiner: Not Yet Assigned

**LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Defective Response of August 14, 2007, Applicants reply that the U.S.P.T.O. is mistaken and is in error. In fact, a Substitute Sequence Listing (a paper copy and a CRF copy disk) and a corresponding Preliminary Amendment were filed on September 5, 2006.

The U.S.P.T.O. online database (PAIR) clearly indicates that the Substitute Sequence Listing, the Preliminary Amendment and the Oath/Declaration were received by the U.S.P.T.O. and saved in the PAIR system on September 5, 2006.

Also, as evidence of Applicants' previous submission of a Substitute Sequence Listing in connection with the present application, Applicants attach a copy of the postcard indicating receipt of the above mentioned documents, including the Declaration, by the U.S.P.T.O. Applicants also attach hereto a paper copy and a CRF copy disk of the Substitute Sequence Listing which were previously submitted on September 5, 2006. A copy of the Notice of Defective Response and a print out copy of the PAIR are also attached hereto.

The U.S.P.T.O. is requested to telephone the undersigned if there are any outstanding issues regarding the sequence listing.

Applicants can provide additional copies of these filed documents, including the filed Substitute Sequence Listing (paper and/or disk) and the filed Preliminary Amendment to the U.S.P.T.O. upon request. However, as already noted, these documents are readily available from PAIR.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: SEP - 7 2007

Respectfully submitted,

By Thomas J. Superior #573-74  
for Gerald M. Murphy, Jr.  
Registration No.: 28,977  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicants

Attachments: Copy of Receipt-Stamped postcard  
Substitute Sequence Listing (a paper copy – 49 pages; a CRF copy disk)  
Copy of Notification of Defective Response  
Copy of PAIR printout

Atty Docket No.: 4456-0108PUS1

Inventor: Mariko ESUMI et al.

Application No.: 10/568,533-Conf. #5038

Filing Date: February 17, 2006

Title: HEPATOCELLULAR CARCINOMA-ASSOCIATED GENE

**Documents Filed:**

- 1 Response to Notification of Missing Requirements (3 pages)
- 1 Response to Notice to Comply (2 pages)
- 1 Amendment (4 pages)
- 1 Copy of Notification of Missing Requirements (2 pages)
- 1 Sequence Listing (disk copy)
- 1 Sequence Listing (paper copy - 49 pages)
- 1 Declaration (2 pages)



Via: Courier

Sender's Initials: GMM/TJS/jmb

Due Date: September 5, 2006

Date: SEP - 5 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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TJS

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/568,533	Mariko Esumi	44560108PUS1

INTERNATIONAL APPLICATION NO.
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PCT/JP04/12425

I.A. FILING DATE	PRIORITY DATE
08/23/2004	08/22/2003

2292

BIRCH STEWART KOLASCH & BIRCH  
 PO BOX 747  
 FALLS CHURCH, VA 22040-0747

*Quinn*  
**DOCKETED**  
*Sequence Listing*  
*9/14/07*

CONFIRMATION NO. 5038

371 FORMALITIES LETTER



\*OC000000022853538\*

Date Mailed: 08/14/2007

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 02/17/2006
- English Translation of the IA filed on 02/17/2006
- Copy of the International Search Report filed on 02/17/2006
- Preliminary Amendments filed on 02/17/2006
- Information Disclosure Statements filed on 02/17/2006
- Oath or Declaration filed on 09/05/2006
- Request for Immediate Examination filed on 02/17/2006
- U.S. Basic National Fees filed on 02/17/2006
- Priority Documents filed on 02/17/2006
- Power of Attorney filed on 02/17/2006
- Specification filed on 02/17/2006
- Claims filed on 02/17/2006
- Abstracts filed on 02/17/2006
- Drawings filed on 02/17/2006
- Paper nucleotide sequence listings filed on 02/17/2006

Applicant's response filed 09/05/2006 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/05/2006 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in

computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

ZETA T ADAMS

Telephone: (703) 308-9290

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/568,533	PCT/JP04/12425	44560108PUS1

10/568,533 Hepatocellular carcinoma-associated gene

08-28-  
2007::14:02:25

**This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.**

### Available Documents

	Document Description	Document Category	Page Count
08-14-2007	<b>Pre-Exam Formalities Notice</b>	<b>PROSECUTION</b>	<b>2</b>
09-05-2006	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION	5
09-05-2006	Oath or Declaration filed	PROSECUTION	2
09-05-2006	Miscellaneous Incoming Letter	PROSECUTION	2
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09-05-2006	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1
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07-05-2006	Notice of DO/EO Missing Requirements Mailed	PROSECUTION	2
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02-17-2006	Fee Worksheet (PTO-06)	PROSECUTION	1
02-17-2006	Claims Worksheet (PTO-2022)	PROSECUTION	1

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